

OGC Has Reviewed

10 August 1949

The Acton Casualty and Surety Company  
1511 K Street, N.W.  
Washington 5, D.C.

Attention: Mr. John L. Bishop, Adjuster

Gentlemen:

Reference is made to your letter of August 3, wherein you advise that since an injury was sustained by Miss Esther A. Micker in the accident involved, you are unable to settle the property damage claim until a satisfactory settlement has been reached in the personal injury claim. You advance this as a reason for the delay.

You state further that you have spoken to Miss Micker, who has agreed to visit your physician, and that you hope to effect a settlement with her in a matter of a few weeks, at which time, presumably, if negotiations are satisfactory, you will again contact us in regard to the property damage claim.

Your statement that you are unable to settle the property damage claim until a satisfactory settlement has been reached in the personal injury claim is not acceptable to the Government and appears to be based on the settlement policy of your company rather than on any recognized legal principle.

When your assured negligently collided with the Government vehicle, two separate and distinct causes of action were generated; one on the part of the Government, the other on the part of the individual. Though your negotiations with Miss Micker may be progressing satisfactorily, we perceive no reason why your reimbursement to the Government should be conditioned upon your settlement with her.

May we, therefore, expect your remittance in the amount of \$244.07 in the immediate future.

Sincerely yours

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JBK/jw  
cc: Subject  
Chrono

Deputy Executive

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